

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JOHN DOE,**

**Plaintiff,**

**v.**

**AMCO INSURANCE COMPANY,**

**Defendant.**

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**7:05CV5006**

**ORDER**

This matter is before the court on the court's own motion pursuant to Fed. R. Civ. P. 4(m), which states in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time....

The court file shows that this case was filed on May 6, 2005, and the 120-day period has expired. The record contains no showing that the plaintiff's attorney has effected service upon the defendants.

**IT THEREFORE IS ORDERED** that, on or before **October 6, 2005**, plaintiff shall either: (1) effect service on the defendant and file proof of same with the court or (2) show cause why this case should not be dismissed without prejudice for failure to effect service within the time limit specified in Fed. R. Civ. P. 4(m).

**DATED September 22, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**